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10 IN THE UNITED STATES DISTRICT COURT  
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
12

13 **JASON J. PAYNE,**

Petitioner,

14  
15 v.

16 **JOE MCGRATH, Warden,**

Respondent.  
17  
18

C 07-4712 JSW (PR)

**APPLICATION FOR  
ENLARGEMENT OF TIME  
TO FILE ANSWER OR  
RESPONSIVE MOTION**

19 For the reasons stated in the accompanying declaration of counsel, respondent hereby  
20 requests a 30-day enlargement of time until May 28, 2008, within which to answer the petition for  
21 writ of habeas corpus in this case or file any other appropriate motion. As explained in the  
22 declaration, counsel for respondent has obtained the state court appellate record and is preparing it  
23 for lodging, but has been burdened by earlier-assigned cases and three cases reassigned to counsel  
24 for respondent on an emergency basis. A stipulation has not been sought because petitioner is an  
25 incarcerated state prisoner who is representing himself.

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1 WHEREFORE, respondent respectfully requests that this Court grant an extension of time  
2 to and including May 28, 2008, in which to file the answer.

3 Dated: April 28, 2007

4 Respectfully submitted,

5 EDMUND G. BROWN JR.  
Attorney General of the State of California

6 DANE R. GILLETTE  
Chief Assistant Attorney General

7 GERALD A. ENGLER  
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9  
10  
11 /s/ Catherine A. Rivlin

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CATHERINE A. RIVLIN  
13 Supervising Deputy Attorney General  
14 Attorneys for Respondent

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**DECLARATION OF SERVICE BY U.S. MAIL**

Case Name: *Jason J. Payne v. Joe McGrath, Warden*

No.: **C 07-4712 JSW (PR)**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On April 28, 2008, I served the attached:

**1. APPLICATION FOR ENLARGEMENT OF TIME TO  
FILE ANSWER OR RESPONSIVE MOTION;  
2. DECLARATION COUNSEL IN SUPPORT OF SUPPORT OF  
APPLICATION FOR ENLARGEMENT OF TIME; and 3. ORDER**

by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

Jason J. Payne  
SPN# V-26575  
Pelican Bay State Prison  
P.O. Box 7500  
Crescent City, CA 95531-7000

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on April 28, 2008, at San Francisco, California.

J. Espinosa

Declarant

/s/ J. Espinosa

Signature